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UNITED STATES DISTRICT COURT DISTRICT OF OREGON

EUGENE DIVISION

CHEYANNE L. RICO,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No.:

COMPLAINT FOR PERSONAL INJURY

Plaintiffs allege:

1.

JURISDICTION

(1.1) This action is brought pursuant to Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, and 28 U.S.C. §1346(b).

(1.2) On June 27, 2017, plaintiff submitted a Federal Tort Claim for the claim set forth below to the appropriate agency of the United States of America, namely, the United States Department of the Interior, Bureau of Land Management ("BLM").

(1.3) Plaintiff's Federal Tort Claim was denied on January 5, 2018.

(1.4) On January 25, 2018, Plaintiff submitted a written request for reconsideration.

(1.5) Plaintiff's request for reconsideration was denied on July 28, 2018. Plaintiff files with action within six months of the mailing of the denial of the request for reconsideration.

(1.6) Venue is properly within this District under 28 U.S.C. § 1402(b), as the acts complained of occurred in the District of Oregon.

(1.7) All conditions precedent under the Federal Tort Claims Act to the filing of this action have been met.

2.

PARTIES

(2.1) Plaintiff was, at all times material hereto, a resident of the State of Oregon, living in Roseburg, Douglas County.

(2.2) BLM is an agency of defendant United States of America.

(2.3) Defendant United States of America is an appropriate defendant under the Federal Tort Claims Act.

(2.4) At all times material hereto, Daniel Dammann was an employee of BLM, working in the course and scope of said employment.

3.

FACTS

(3.1) On or about July 8, 2016, plaintiff was working a crew leader for Phoenix School doing surveying work near the area of Jackson Creek Ranch in Douglas County.

(3.2) After plaintiff's vehicle became stuck, Daniel Dammann picked plaintiff up in a BLM vehicle.

(3.3) While plaintiff was riding as a passenger in the BLM vehicle driven by Daniel Dammann, Daniel Dammann lost control of the vehicle while backing down a narrow road, causing the vehicle to tumble down a hillside, rolling several times. Daniel Dammann's operation of the vehicle was negligent and the cause of personal injury to plaintiff.

DAMAGES

(4.1) As a direct and proximate result of Daniel Damman's negligence, plaintiff was injured and had to seek medical attention, incur medical expenses, and also lost time from work, resulting in economic damages of \$6,461.69

(4.2) As a direct and proximate result of her injuries, plaintiff suffered general damages in the amount of \$24,723.62.

(4.3) Under the Federal Torts Claims Act, defendant United States of America, through its agency BLM, is liable for the above-described negligence of Daniel Dammann, as Daniel Dammann was acting within the scope of his employment for the BLM.

WHEREFORE, plaintiffs pray for judgment against defendant United States of America in the amount of \$31,185.31, and for plaintiff's costs and disbursements and such other and further relief as the court deems just and proper.

DATED: October 5, 2018. MacMILLAN, SCHOLZ, & MARKS, P.C.

By: /s/ Leslie A. Kocher-Moar
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